



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
Andre Lambert et al.)	Group Art Unit: 1794
Application No.: 10/560,762)	Examiner: Jennifer A. Chriss
Filed: July 20, 2006)	Confirmation No.: 5135
For: SYNTHETIC, FLAME-RESISTANT)	
YARNS, FIBRES AND FILAMENTS)	

ELECTION AND RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In an Official Action dated July 23, 2008, the Examiner has indicated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

Group I: Claims 24-27, 30-34 and 37-39, drawn to yarns or fibers;

Group II: Claims 40-42, drawn to a process for the manufacture of the yarns or fibers; and

Group III: Claim 43, drawn to a method of making flame-retardant yarns.

Accordingly, Applicants provisionally elect Group I, the subject matter of Claims 24-27, 30-34 and 37-39, with traverse.

Applicants submit that the restriction requirement is in error. The Examiner has already searched and examined all claims of Groups I and II. Thus, this restriction will not reduce the workload of the U.S. Patent and Trademark Office or simplify prosecution of the application. As set forth in M.P.E.P. § 803, there are two criteria for a proper restriction requirement between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) there must be a **serious burden** on the Examiner if restriction is not required. This portion of the

M.P.E.P. requires that if the search and examination of an entire application can be made without serious burden, the Examiner **must** examine it on the merits, even though it includes claims to distinct or independent inventions. Since all claims, with the exception of claim 43, has already been examined , there is clearly no burden in continuing prosecution of all pending claims in a single application.

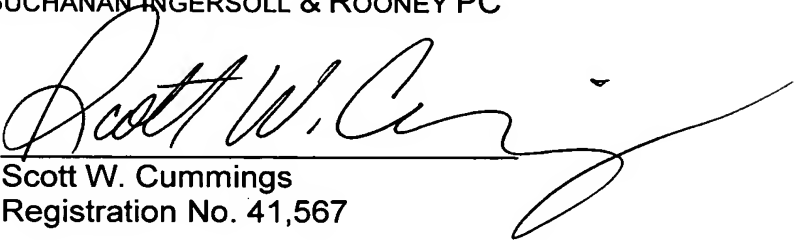
Accordingly, reconsideration and withdrawal of the aforementioned restriction requirement is respectfully requested. The provisional election is hereby made without prejudice to Applicants' right to file a divisional application or applications or petition the restriction requirement should the restriction requirement become final.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: November 12, 2008

By:


Scott W. Cummings
Registration No. 41,567

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620